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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Department of Human Services
Division:	Family Assistance
Contact Person:	Phyllis Simpson
Address:	Citizens Plaza Building, 10 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
Phone:	615-313-4731
Email:	phyllis.simpson@state.tn.us

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Natasha Webster
Address:	Citizens Plaza Building, 10 th Floor 400 Deaderick Street Nashville, Tennessee 37243-1403
Phone:	615-313-4731
Email:	natasha.webster@state.tn.us

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Citizens Plaza Building 2 nd Floor Board Room 400 Deaderick Street
Address 2:	
City:	Nashville, Tennessee
Zip:	37243-1403
Hearing Date :	10/16/08
Hearing Time:	1:30 PM <input checked="" type="checkbox"/> CST <input type="checkbox"/> EST

Additional Hearing Information:

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Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (for additional chapters, copy and paste table)

	Chapter Number	Chapter Title
	1240-01-04	Financial Eligibility Requirements
	Rule Number	Rule Title
	1240-01-04-.05	Exempt Resources

Chapter 1240-01-04
Financial Eligibility Requirements

Amendments

Rule 1240-01-04-.05 Exempt Resources, is amended by deleting Paragraphs (6) and (7) in their entirety, and by substituting instead the following, so that as amended Paragraphs (6) and (7) shall read as follows:

- (6) Burial Policies, Burial Agreements, and Burial Plots. These shall be considered exempt for resource purposes.
- (7) Pension Funds. The cash value of pension plans or funds shall be exempt. (Food Stamps Only): Excludes any funds in a plan, contract, or account described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan as provided for in 5 U.S.C. 8439. Also the exclusion of any successor retirement accounts that are exempt from Federal taxes.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014(g); 7 C.F.R. §§ 273.9 and 273.10; and PL 110-246, Title IV § 4104(b), June 18, 2008.

Rule 1240-01-04-.05 Exempt Resources, is amended by adding a new Paragraph to be numbered (20), so that as amended new Paragraph (20) shall read as follows:

- (20) Educational Savings Accounts – Food Stamps
 - (a) Educational savings accounts under Section 529 of the Internal Revenue Code of 1986 qualified tuition programs, shall be exempt.
 - (b) Coverdell Education Savings Accounts (Section 530 of the Internal Revenue Code) shall be exempt.

Authority: T.C.A. §§ 4-5-201 et seq.; T.C.A. § 4-5-202; T.C.A. §§ 71-1-105 and 71-5-304; 7 U.S.C.A. § 2014(g); 7 C.F.R. §§ 273.9 and 273.10; and PL 110-246, Title IV § 4104(c), June 18, 2008.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: August 27, 2008

Signature: [Signature]

Name of Officer: Phyllis Simpson

Assistant General Counsel

Title of Officer: Tennessee Department of Human Service

Subscribed and sworn to before me on: August 27, 2008

Notary Public Signature: Debra E. Batts

My commission expires on: May 22, 2010

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Filed with the Department of State on: 8/28/08

[Signature]

Riley C. Darnell
Secretary of State

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